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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,617	02/19/2002	Sinikka Sarkkinen	017.41187X00	9558
43829	7590	07/18/2005	EXAMINER	
ROBERT M BAUER, ESQ. LACKENBACH SIEGEL, LLP 1 CHASE ROAD SCARSDALE, NY 10583			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/076,617	Applicant(s) SARKKINEN ET AL.	
	Examiner Tilahun B. Gesesse	Art Unit 2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11, 15-19, 21-23 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 12, 14, 20, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6,8-9,11,15-19,21-23,26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Dominique et al (US patent No. 6,400,960).

Regarding claims 1-2,9 Dominique discloses a method of controlling the power level of multicast data transmissions in a wireless communications network (a method of calculating a power threshold for a secondary communication channel , see abstract), comprising:

Dominique teaches providing power level information in a transmitted channel received by a user equipment (column 7, lines 35-47 and figure 2). Dominique teaches measuring the power level of a signal received by said user equipment (column 8, lines 36-43), comparing the power level measured by the user equipment to the power level indicated by said power level information provided in said transmitted channel(column 8, lines 36-43), and including power level measurement information in a message sent by said user equipment depending on the results obtained when the power level measured by said user

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equipment is compared to the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2)

Regarding claim 3, Dominique discloses performed in said user equipment and said power level measurement information is included in said message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2)

Regarding claims 4-6, Dominique discloses the message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel is a Cell Update message (column 8, lines 44-58).

Regarding claims 8,11 Dominique discloses user equipment decides what type of message to send if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel (column 8, lines 36-43).

Regarding claims 15-16, Dominique discloses user equipment multicast data transmissions in a wireless communications network (a method of calculating a power threshold for a secondary communication channel , see abstract), comprising:

Dominique teaches providing power level information in a transmitted channel received by a user equipment (column 7, lines 35-47 and figure 2).

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Dominique teaches measuring the power level of a signal received by said user equipment (column 8, lines 36-43), comparing the power level measured by the user equipment to the power level indicated by said power level information provided in said transmitted channel (column 8, lines 36-43), and including power level measurement information in a message sent by said user equipment depending on the results obtained when the power level measured by said user equipment is compared to the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2)

Regarding claims 17-19, Dominique discloses the message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel is a Cell Update message (column 8, lines 44-58).

Regarding claims 21-22, Dominique discloses performed in said user equipment and said power level measurement information is included in said message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2)

Regarding claim 23, Dominique discloses a wireless element in wireless network of controlling the power level of multicast data transmissions in a wireless communications network (a method of calculating a power threshold for a secondary communication channel , see abstract), comprising:

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Dominique teaches providing power level information in a transmitted channel received by a user equipment (column 7, lines 35-47 and figure 2). Dominique teaches measuring the power level of a signal received by said user equipment (column 8, lines 36-43), comparing the power level measured by the user equipment to the power level indicated by said power level information provided in said transmitted channel (column 8, lines 36-43), and including power level measurement information in a message sent by said user equipment depending on the results obtained when the power level measured by said user equipment is compared to the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2).

Regarding claims 26-29, Dominique discloses performed in said user equipment and said power level measurement information is included in said message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel (column 7, line 48-column 8, line 3 and column 8, lines 36-43 and figure 2)

***Allowable Subject Matter***

Claims 7,10,12-14,20,24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior art does specifically teach the message sent by said user equipment if the power level measured by said user equipment is less than the power level indicated by said power level information provided in said transmitted channel is an Multicast Power Indication message.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6,8-9,11,15-19,21-223,26-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knuutila et al (US patent No. 6,819,937) discloses a method and apparatus for updating transmission power class information of a mobile station in a packet radio service network (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-2738300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**TILAHUN GESESSE**  
**PRIMARY EXAMINER**